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I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: May 4, 2009

Name: C. Noel Kaman, Reg. No. 51,857

Signature: /C. Noel Kaman/

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Brovelli, et al.

Appln. No.: 10/774,092

Filed: February 2, 2004

For: METHOD OF AUGMENTING THE  
IMMUNO-MODULATORY ACTIVITY  
OF STANDARDIZED ECHINACEA  
PREPARATIONS

Examiner: Patricia A. Leith

Art Unit: 1655

Confirmation No.: 7125

Attorney Docket No: 3086/1734 (AM1150)

Mail Stop RCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (37 C.F.R. § 1.114)

Sir:

Applicant(s) requests continued examination of the above-identified application under 37 C.F.R. §1.114.

☒ Submission under 37 CFR 1.114 (check at least one of the following):

☐ Previously submitted:

- ☐ Applicant(s) requests nonentry of any previously-filed unentered amendments.
- ☐ Please enter and consider the Amendment After Final Under 37 C.F.R. §1.116 previously filed on \_\_\_\_\_
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

☒ Attached is/are:

- ☐ An Information Disclosure Statement
- ☒ An Amendment to the written description, claims, or drawings
- ☒ New Arguments and/or New Evidence in support of Patentability
- ☐ Other: \_\_\_\_\_

☐ Request for suspension of action:

Applicant(s) hereby request suspension of action on the above-identified application under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; requires Processing Fee under 37 C.F.R. § 1.17(i)).

- ☐ Small Entity Status:
- ☐ Applicant hereby asserts entitlement to claim small entity status under 37 CFR §§ 1.9 and 1.27.
- ☐ A small entity statement or assertion of entitlement to claim small entity status was filed in prior application no. \_\_\_\_\_ / \_\_\_\_\_ and such status is still proper and desired.
- ☐ Is no longer desired.
- ☒ Applicant(s) calculate the following fees to be due in connection with this Request:
- ☒ A Request fee of \$810 under 37 C.F.R. § 1.17(e).
- ☐ A suspension processing fee of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(i).
- ☐ An additional filing fee of \$\_\_\_\_\_ under 37 C.F.R. § 1.16 (\_\_\_\_\_ additional independent claims and/or \_\_\_\_\_ additional total claims).
- ☐ An extension fee of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(a) for a \_\_\_\_\_-month extension of time.
- ☒ Fee payment to cover the above-enumerated fee(s):
- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$810. A copy of this Request is enclosed for this purpose.
- ☐ A payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE). A copy of this Request is enclosed for this purpose.

Respectfully submitted,

May 4, 2009  
Date

/C. Noel Kaman/  
C. Noel Kaman (Reg. No. 51,857)